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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/935,885	08/23/2001	Jin Lu	US010363	1370

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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/935,885

Applicant(s)

LU, JIN

Examiner

Hunter B. Lonsberry

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 December 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 22-41 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 22-41 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 22-23, 26, 30-32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,788,740 to van der Schaar in view of U.S., Patent 6,536,043 to Guedalia.

Regarding claims 22 and 31, van der Schaar discloses a method of facilitating broadcast channel surfing comprising:

Receiving current broadcast signals from at least one broadcast channel (column 5, line 56-column 6, line 8, data received via TV antenna) the broadcast signals configured to enable viewing of video information at a first quality level (default quality level received prior to selection of a streaming rate, column 5, line 67-column 6, line 4)

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Processing the broadcast signals into surfing signals (column 6, lines 5-14, 49-61, column 8, line 16-33, the video is then encoded into mpeg signals with a base and enhancement layer)

Broadcasting the surfing signals substantially concurrent in time with the corresponding broadcast signals that are being broadcast from at least one broadcast channel to enable viewing of the surfing signals at a remote device at a time of surfing that is not substantially different from a time of broadcasting (column 6, lines 7-29).

While van der Schaar does disclose encoding a base and enhancement layer, van der Schaar is silent regarding whether or not the corresponding video information is substantially poorer than the first quality level.

Guedalia discloses a scalable video delivery environment in which video are streamed to a user in compressed form (reduced quality) dependant upon a user's bandwidth, the user receives the optimum version of the video for playback that their bandwidth can accommodate (column 20, line 27-column 21, line 19, column 22, line 45-column 23, line 49).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify van der Schaar utilize the streaming functionality based upon bandwidth, as taught by Guedalia, for the advantage of providing the optimum video quality to a remote user that their bandwidth can accommodate.

Regarding claims 23 and 32, Guedalia is relied upon to teach providing substantially continuous access to the surfing signals at one or more Internet addresses (column 28, line 4-44).

Regarding claims 26 and 35, Guedalia is relied upon to teach that the surfing signals us substantially less bandwidth than the broadcast source (column 20, line 35-56).

Regarding claim 30, Guedalia is relied upon to teach that the video may be set to be encoded at lower rates than 30fps (column 20, lines 53-56).

3. Claims 25 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,788,740 to van der Schaar in view of U.S., Patent 6,536,043 to Guedalia in further view of U.S. Patent 6,470,378 to Tracton.

Regarding claims 25 and 24, van der Schaar discloses streaming live broadcasts.

The combination of van der Schaar and Guedalia fails to disclose surfing signals which are configured to facilitate reception via a portable device.

Traction discloses a scalable MPEG system in which a client device (pc, cell phone, laptop etc) transmits its bandwidth and processor capabilities, the appropriate version is then selected and transmitted via the Internet to the device (column 4, lines

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14-62, column 6, line 44-column 7, line 34), thus providing a user a convenient way to access content wirelessly.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of van der Schaar and Guedalia to utilize the polling features and mobile phone features of Tracton for the advantage of distinguishing the most appropriate content version for a user's device and providing a convenient way for a user to access content.

4. Claims 24, 27-28 33, and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,788,740 to van der Schaar in view of U.S. Patent 6,536,043 to Guedalia in further view of

<http://web.archive.org/web/19990508141539/http://www.apple.com/quicktime/showcase/live/> (QuickTime Showcase).

Regarding claims 24, 27-28, 33, and 36-37, van der Schaar discloses streaming live broadcasts.

The combination of van der Schaar and Guedalia fails to disclose the broadcast signals corresponding to a plurality of broadcast transmissions from a plurality of broadcast channels, the surfing signals corresponding to a plurality of Internet addresses corresponding to each broadcast channel of the plurality of broadcast channels.

QuickTime Showcase discloses a webpage with a number of hyperlinks to TV channels, such as BBC world and WGBH each with an associated web server with a

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web address which enables a user to watch a variety of programming from around the world by selecting different links.

Therefore, it would have been obvious to one skilled in the art at the time to invention to modify the combination of van der Schaar and Guedalia to utilize a number of broadcast signals, a plurality of surfing signals which are accessed via a plurality of Internet address which facilitate selective reception of each surf signal, as taught by QuickTime Showcase, for the advantage of providing an easy way for a user to watch a variety of programming from around the world.

5. Claims 29 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,788,740 to van der Schaar in view of U.S. Patent 6,536,043 to Guedalia in further view of U.S. Patent 6,986,158 to Terui.

Regarding claim 29, van der Schaar discloses streaming live broadcasts.

The combination of van der Schaar and Guedalia fails to disclose identifying key frames in the source signals and forming the surfing signals from the key frames.

Terui discloses an error monitoring system in which when a user has an intolerable amount of errors only the I frames are transmitted to the user (figures 18-20, column 11, line 64-column 13, line 21), thus ensuring a user can view a video stream properly.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of van der Schaar and Guedalia to utilize the error monitoring and forced intraframes coding features of Terui, for the advantage of ensuring a user can view a video stream properly.

6. Claims 39-41 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,470,378 to Tracton in view of <http://web.archive.org/web/19990508141539/http://www.apple.com/quicktime/showcase/live/> (QuickTime Showcase).

Regarding claim 39, Tracton discloses a scalable MPEG system in which a client device (pc, cell phone, laptop etc) with a browser transmits its bandwidth and processor capabilities along with a request for a video stream via an Internet connection to a web server, the appropriate version is then selected and transmitted via the Internet to the device (column 4, lines 14-62, column 6, line 44-column 7, line 34).

Tracton fails to disclose a server with multiple Internet addresses each address corresponding to an associated broadcast channel.

QuickTime Showcase discloses a webpage with a number of hyperlinks to TV channels, such as BBC world and WGBH each with an associated web server with a web address which enables a user to watch a variety of programming from around the world by selecting different links.

Therefore, it would have been obvious to one skilled in the art at the time to invention to modify Tracton to utilize a number of broadcast signals, a plurality of surfing signals which are accessed via a plurality of Internet address which facilitate selective reception of each signal, as taught by QuickTime Showcase, for the advantage of providing an easy way for a user to watch a variety of programming from around the world.

Regarding claim 40, Tracton discloses that there may be multiple versions of video scaled to meet client characteristics, an unscaled MPEG2 news broadcast may be re-encoded into a form as needed for a lower capability device (column 7, line 1-53).

Regarding claim 41, Tracton discloses that the images may be encoded at lower quality settings (column 4, line 36-49).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HBL


JOHN MILLER
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